

## Message Text

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TREASURY:NJACKLIN

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TO USMISSION OECD PARIS

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E.O. 11652:N/A

TAGS:EFIN, OECD, PFOR, CI

SUBJECT: DUTCH TEXT OF OECD FINANCIAL SUPPORT FUND AGREE-  
MENT

REF: OECD PARIS 22996

1. DEPARTMENT'S LANGUAGE SERVICE HAS COMPARED THE ENGLISH  
AND DUTCH TEXTS OF THE SUBJECT AGREEMENT AND FOUND THEM TO  
HAVE THE SAME MEANING IN ALL SUBSTANTIVE RESPECTS WITH THE  
EXCEPTIONS NOTED BELOW: (A) ART. I, SEC. 2(I) OF ENGLISH  
TEXT (REFERENCE TO ALL SUCCEEDING ARTICLES IS TO ENGLISH  
TEXT); ENGLISH TEXT: "...WHICH WOULD ARTIFICIALLY STIMULATE  
VISIBLE AND CURRENT INVISIBLE EXPORTS,"; DUTCH TEXT (WHEN  
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TRANSLATED INTO ENGLISH): "...WHICH WOULD ARTIFICIALLY

STIMULATE CURRENT VISIBLE AND INVISIBLE EXPORTS," (HERE "CURRENT" MODIFIES BOTH "VISIBLE" AND "INVISIBLE" EXPORTS); (B) ART. V, SEC. 3 OF ENGLISH TEXT: "AMOUNTS, TERMS, AND CONDITIONS OF LOANS"; DUTCH TEXT: "AMOUNTS, TERMS AND CONDITIONS OF LOANS AND POLICY CONDITIONS" (CF. ALSO TABLE OF CONTENTS); (C) ARTICLE, VI, SEC. 1(B)(II): ENGLISH TEXT: "...REFERRED TO IN ARTICLE V, SECTIONS 3(C) AND (D)"; DUTCH TEXT: "...REFERRED TO IN ARTICLE V, SECTION 3, (C) AND (D)"; (D) ART. VII, SEC. 2 OF ENGLISH TEXT: "...UPON AN INSTRUCTION FROM THE FUND UNDER ARTICLE XIII..." DUTCH TEXT: "...UPON A 'REQUEST' FROM THE FUND UNDER ARTICLE XIII..."; (E) ART. VII, SEC. 6(B) OF ENGLISH TEXT: "... 'APART FROM' HAVING OBTAINED ANY NECESSARY LEGAL AUTHORIZATIONS..."; DUTCH TEXT: "... 'AFTER' HAVING OBTAINED ANY NECESSARY LEGAL AUTHORISATIONS..."; (F) ART. VII, SEC. 8 OF ENGLISH TEXT: "SUCH INSTRUMENT 'SHALL BE TRANSFERRED' ONLY ON TERMS..."; DUTCH TEXT: "SUCH INSTRUMENT 'MAY BE ISSUED' ONLY ON TERMS..."; (G) ART. VIII, SEC. 1 OF ENGLISH TEXT: "...A MEMBER 'SHALL' DISCHARGE ITS OBLIGATIONS BY:"; DUTCH TEXT: "...THE MEMBER 'MAY' DISCHARGE ITS OBLIGATIONS BY:"; (H) ART. VIII, SEC. 1(B) ENGLISH TEXT: "...WHICH SHALL INCLUDE THE ALLOWANCE RELATING TO THE PAYMENT OF INTEREST AND OTHER CHARGES DETERMINED IN ACCORDANCE WITH SECTION 3(A) OF THIS ARTICLE."; DUTCH TEXT: "...WHICH UNDERTAKING SHALL INCLUDE THE ALLOWANCE FOR PAYMENT OF INTEREST AND OTHER CHARGES, 'AND WHICH' SHALL BE DETERMINED IN ACCORDANCE WITH SECTION 3(A) OF THIS ARTICLE." ("AND WHICH" REFERS BACK, GRAMMATICALLY, TO "UNDERTAKING", WHEREAS "DETERMINED" IN THE ENGLISH TEXT REFERS BACK TO ALLOWANCE.); (I) ARTICLE VIII, SEC. 3(A) ENGLISH TEXT: "...IN THAT MEMBER'S UNDERTAKING."; DUTCH TEXT: "...IN THAT MEMBER'S 'TOTAL' UNDERTAKING."; (J) ART. IX, SEC. 3 OF ENGLISH TEXT: "...THE AMOUNT OF WHICH SHALL REPRESENT THE SAME PERCENTAGE FOR EACH MEMBER, NOT EXCEEDING 50 PER CENT", "OF THE SUM OF THE AMOUNTS..."; DUTCH TEXT: "...THE SUM OF WHICH SHALL REPRESENT THE SAME PERCENTAGE FOR EACH MEMBER, IN THE MAXIMUM AMOUNT OF 50 PER CENT OF THE SUM..." (NOTE: A COMMA AFTER "50 PER CENT" WOULD LINK "OF THE SUM" WITH THE ANTECEDENT "PERCENTAGE" AS IN THE UNCLASSIFIED

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ENGLISH TEXT.); (K) ART. X, SEC. 2, LAST LINE OF ENGLISH TEXT: "...SEEK TO OBTAIN 'ALTERNATIVE' FINANCING FROM THE BANK FOR INTERNATIONAL SETTLEMENTS."; DUTCH TEXT: "...SEEK TO OBTAIN FINANCING FROM THE BANK FOR INTERNATIONAL SETTLEMENTS." (L) ART. XII, SEC. 2, 1ST SENTENCE: "A MEMBER'S OBLIGATION TO PROVIDE FINANCING UNDER ITS QUOTA SHALL BE 'RECONSTITUTED' TO THE EXTENT OF:" DUTCH TEXT: "A MEMBER'S OBLIGATION TO PROVIDE FINANCING UNDER ITS

QUOTA SHALL BE "INCREASED" BY THE AMOUNT." (M) ART. XIII, SEC. 1, 1ST PAR. ENGLISH TEXT: "...THE AMOUNT REQUIRED TO MEET ITS "CORRESPONDING" OBLIGATIONS..."; DUTCH TEXT: "...THE AMOUNT REQUIRED TO MEET ITS OBLIGATIONS."; (N) ART. XIII, SEC. 2(A) ENGLISH TEXT: "...BY DRAWING ON"ANY" FUNDS..."; DUTCH TEXT: "...BY DRAWING ON"THE" FUNDS..."; (O) ART. XIII, SEC. 8(B) ENGLISH TEXT: "SHALL BE PARTLY OR WHOLLY SETTLED "WHENEVER"..."; DUTCH TEXT: "SHALL BE PARTLY OR WHOLLY SETTLED "AS SOON AS"..."; (P) ART. XVI, SEC. 2(C) ENGLISH TEXT: "...VICE-CHAIRMEN"; DUTCH TEXT: "... VICE-CHAIRMAN"; (Q) ART. XVI, SEC. 2(G) ENGLISH TEXT: "... SUCH"OTHER"PROCEDURES..."; DUTCH TEXT: "...SUCH PROCEDURES

..."; (R) ART. XVII, SEC. 2 ENGLISH TEXT: "...THE CAPACITY TO CONTRACT AND TO INSTITUTE LEGAL PROCEEDINGS."; DUTCH TEXT: "...THE CAPACITY TO CONTRACT AND TO APPEAR IN COURT."; (S) ART. XVII, SEC. 3(A), NEXT TO LAST LINE ENGLISH TEXT: "...IN ACCORDANCE WITH THE "DOMESTIC" LAW OF THE MEMBER."; DUTCH TEXT: "...IN ACCORDANCE WITH THE LAW OF THE MEMBER."; (T) ART. XVII, SEC. 7(A) ENGLISH TEXT: "...CHARGES FOR PUBLIC UTILITY SERVICES."; DUTCH TEXT: "...CHARGES FOR PUBLIC SERVICES."; (U) ART. XIX, SEC. 1 ENGLISH TEXT: "...THE LAST REPAYMENT OF ANY LOAN BY IT HAS FALLEN DUE."; DUTCH TEXT: "...THE LAST REPAYMENT OF ANY LOAN BY IT HAS BEEN MADE."; (V) ART. XIX, SEC. 2(C) ENGLISH TEXT: "ANY UNSETTLED AMOUNT" ARISING UNDER" SECTION 7(B) OF ARTICLE XIII SHALL BE CANCELLED AND REPLACED BY A BILATERAL CLAIM ON, OR DEBT TO, THE MEMBER IN RESPECT OF WHICH THE UNSETTLED AMOUNT AROSE."; DUTCH TEXT: "ANY AMOUNT "NOT SETTLED UNDER" ARTICLE XIII, SECTION 7(B) SHALL BE CANCELLED AND REPLACED BY A BILATERAL CLAIM ON, OR DEBT TO, THE MEMBER IN RESPECT OF WHICH THE AMOUNT WAS STILL UNSETTLED."; (W) ART. XXII, NEXT TO LAST UNCLASSIFIED

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LINE ENGLISH TEXT: "...IMMEDIATE PAYMENT TO THE FUND..."; DUTCH TEXT: "...IMMEDIATE PAYMENTS TO THE FUND...".

2. LANGUAGE SERVICE ALSO OFFERS THE FOLLOWING NOTES: (A) THERE IS A MISPRINT IN THE TABLE OF CONTENTS OF THE DUTCH TEXT. "OF BASIS" UNDER ARTICLE IX SHOULD READ "OP BASIS." (B) IN ARTICLE XVI, SECTION 10(B) THE DUTCH TEXT USES "DEEL" FOR "SECTION". SINCE "SECTIE" HAS BEEN USED CONSISTENTLY ELSEWHERE, IT WOULD BE PREFERABLE TO USE IT HERE TOO. (C) THE CONCLUDING PARAGRAPHS ON THE LAST PAGE (49) OF THE DUTCH TEXT HAVE NOT YET BEEN INCORPORATED IN THE ENGLISH TEXT.

3. MISSION IS REQUESTED TO PASS ABOVE 23 COMMENTS TO SECRETARIAT, WHICH WE UNDERSTAND WILL UNDERTAKE TO HAVE

THEM CONSIDERED BY THE DUTCH, IN CONJUNCTION WITH COMMENTS BY OTHER SIGNATORIES TO THE AGREEMENT. WE THINK ALL OF THE NOTED INCONSISTENCIES SHOULD BE CORRECTED IN ORDER TO PROVIDE A BETTER DUTCH TEXT. ELEVEN OF THEM, HOWEVER, ARE PARTICULARLY IMPORTANT. THESE RELATE TO THE ABOVE ITEMS: D, H, J, L, MP, Q, R, T, U, AND V (WHERE THERE ARE TWO PROBLEMS).

4. MISSION SHOULD REQUEST INSTRUCTIONS FROM DEPARTMENT ON ANY OF THE ELEVEN IMPORTANT INCONSISTENCIES WHICH DUTCH ARE UNABLE TO RECTIFY. KISSINGER

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